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## TRIAL.

*Dismissal of Action—When allowed.*—A cause is not finally submitted to the jury until they are directed to enter upon the consideration of the case, and where a party offered to dismiss his case before the jury were instructed, but after the court had indicated what the instruction would be, the offer should have been allowed and the cause dismissed: *Mullen v. Peck*, 57 Iowa.

TRUST. See *Charity*.

*Sale under a Power—Application of Purchase-money—Liability of Purchaser.*—Where trustees under a will have power to sell, in their discretion, and re-invest the proceeds on the same trusts, a purchaser from them is not bound to see to the application of the purchase-money: *Van Bokkelen v. Tinges*, 58 Md.

## TRUSTEE.

*Right to Appeal—Liability for Costs.*—A conventional trustee appointed to sell property and distribute the proceeds among creditors has the right to an appeal: 1st. Whenever his commissions, or other allowances as trustee are affected by the order of the court below; 2dly. In all cases where the trustee is interested in the fund to be distributed, as a creditor; 3dly. In any case where the question of the increase or diminution of the *whole* fund in his hands as trustee is involved, and which increase or diminution would enure to the benefit or loss of *all* the creditors: *Frey v. Shrewsbury Savings Institution*, 58 Md.

But where the question is a contest between the creditors of the debtor among themselves, the trustee has no right to intervene, and it is not his duty to prolong the litigation. In such cases the creditors whose rights are affected are the proper persons to appeal: *Id.*

Where, however, the court is satisfied the trustee in appealing acted in good faith, and in discharge of what he supposed to be his duty, the costs will be paid out of the fund: *Id.*

UNDUE INFLUENCE. See *Duress*.UNITED STATES COURTS. See *Equity*.VENDOR AND VENDEE. See *Fraud*.WARRANTY. See *Judicial Sale*; *Sale*.WATERS AND WATERCOURSES. See *Negligence*.

## LIST OF THE PRINCIPAL NEW LAW BOOKS.

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BOWEN.—The Practice in the Courts of Pennsylvania under the Act of

10th April 1848, § 9, usually termed The Sheriff's Interpleader Act. By D. H. BOWEN. 8vo. Philadelphia: R. Welsh & Co.

BURGIN.—Essays relative to American Church Law, published in the American Church Review of July 1881 and January 1882. By H. BURGIN and S. C. JUDD. 8vo., pp. 216. New York: Am. Church Review Press.

COLBY.—The Statute Railroad Laws of the State of New York, codified and arranged under appropriate titles, with notes of Judicial decisions, together with an Appendix of Forms and a Table of existing Railroad Corporations and local enactments affecting the same. By J. H. COLBY. 8vo., pp. 718. Albany: W. C. Little & Co.

COOKINGHAM.—A General Index to Wait's Actions and Defences. By E. COOKINGHAM. 8vo., pp. 547. Albany: W. Gould & Son.

CONKLING.—The Powers of the Executive Department of the Government of the United States and the Political Institutions and Constitutional Law of the United States. By A. CONKLING. 12mo., pp. 195. Albany: W. C. Little & Co.

DANIEL.—A Treatise on the Law of Negotiable Instruments, including Promissory Notes, Negotiable Bonds and Coupons, Checks, Bank Notes, Certificates of Deposit, Certificates of Stock, Bills of Credit, Bills of Lading, Guaranties, Letters of Credit and Circular Notes. By J. W. DANIEL. 3d ed. 2 vols. 8vo., pp. 1846. New York: Baker, Voorhis & Co.

DESTY.—Compendium of American Criminal Law. By ROBERT DESTY. 12 mo., pp. 713. San Francisco: Sumner, Whitney & Co.

DOS PASSOS.—A Treatise on the Law of Stock Brokers and Stock Exchanges. By J. R. DOS PASSOS. 8vo., pp. 1043. New York: Harper & Bros.

EDWARDS.—A Treatise on Bills of Exchange, Promissory Notes, Coupon Bonds and other Negotiable Instruments. By J. EDWARDS. 3d ed., revised and enlarged by DUDLEY, DENNISON & DUDLEY. 2 vols. 8vo., pp. 990. New York: Banks, Bro. & Co.

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